

11-23-01 RECEIVED  
NOV 26 2001  
TECH CENTER 1600/2000  
CPA/1644/\$#21  
EXPRESS MAIL NO.: EL491882961US  
ATTORNEY DOCKET NO. 14028.0290  
SERIAL NO. 09/389,565  
PAGE 1 OF 3 (11/21/01)  
25/11/27/01

REQUEST FOR CONTINUED PROSECUTION APPLICATION  
(37 C.F.R. § 1.53(d))

To: BOX CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

1. IDENTIFICATION OF PRIOR APPLICATION

This is a request for a continued prosecution application, under 37 C.F.R. § 1.53(d), of:

(MUST BE A NONPROVISIONAL APPLICATION FILED ON OR AFTER JUNE 8, 1995)

PRIOR APPLICATION: 09/389,565

FILING DATE: September 3, 1999

TITLE: AN IMMUNOTOXIN WITH *IN VIVO* T CELL SUPPRESSANT ACTIVITY AND METHODS OF USE

EXAMINER: F. P. VanderVegt, Ph.D.

11/26/2001 AWONDAF1 00000041 09389565

ART UNIT: 1644

01 FC:131  
02 FC:103

740.00 OP  
36.00 OP

APPLICANT(S): Neville et al.

This application for a continued prosecution application is made before the earliest of: (A) payment of the issue fee (unless a petition under § 1.313(b)(5) is granted in the prior application); (B) abandonment; or (C) termination of proceedings in the prior application.

2. THIS APPLICATION DISCLOSES AND CLAIMS ONLY SUBJECT MATTER DISCLOSED IN THE PRIOR APPLICATION.  
(MAY NOT BE A CONTINUATION-IN PART APPLICATION)

3A. ☐ This application names as inventors the same inventors named in the prior application.

--OR--

3B. ☒ This application is filed by fewer than all the inventors named in the prior application. It is hereby requested that the names of the following person(s), named as inventors in the prior application but who are not inventors of the invention being claimed in this continued prosecution application, be deleted: Joshua E. Scharff

(MAY NOT NAME ADDITIONAL INVENTORS NOT NAMED IN THE PRIOR APPLICATION)

4. Please use the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute the new application, and assign the continued prosecution application the application number of the prior application for identification purposes.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent required under 37 C.F.R. § 1.53(d)(6).

This request for a continued prosecution is the specific reference required by 35 U.S.C. § 120 to every application assigned the above identified application number. 37 C.F.R. § 1.53(d)(7).

5. The filing of this continued prosecution application is a request to expressly abandon the prior application as of the filing date of this request.

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

6A. ☐ Enter the amendment previously filed on , 19 under 37 C.F.R. § 1.116, but unentered in the prior application.

--OR--

6B. ☐ A preliminary amendment is enclosed. Amendment is to be made to the prior application as it existed prior to the filing of this continued prosecution application.

7. The filing fee is calculated as follows:

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	22 - 20 =	2	x \$18.00	\$36.00
	INDEPENDENT CLAIMS	2 - 3 =	0	x \$84.00	\$0.00
	MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ \$280.00	\$
	BASIC FEE =				\$740.00
	TOTAL OF ABOVE CALCULATIONS =				\$776.00
	REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. 1.9, 1.27, 1.28)				\$
	TOTAL FEE =				\$776.00

8. ☒ A check in the amount of \$1176.00 (\$400.00 for two-month Extension of Time and \$776.00 for the filing fee) is enclosed.

9. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

10. ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

11. ☒ Priority of application Serial No.09/389,565 filed on September 3, 1999 in United States of America is claimed under 35 U.S.C. § 119.

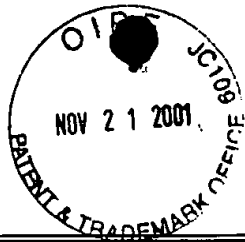
12. ☒ The prior application is assigned of record to: The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services, c/o National Institutes of Health, Office of Technology Transfer, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852.

13. ☒ Also enclosed please find: Request for Extension of Time

14. ☒ The Power of Attorney in the prior application is to Needle & Rosenberg, P.C., The Candler Building, 127 Peachtree Street N.E., Suite 1200, Atlanta, GA 30303-1811

15. Address all future communications to:

Tina Williams McKeon, Esq.  
 NEEDLE & ROSENBERG, P.C.  
 Suite 1200, The Candler Building  
 127 Peachtree Street, N.E.  
 Atlanta, Georgia 30303-1811  
 (404)688-0770



EXPRESS MAIL NO.: EL491882961US  
ATTORNEY DOCKET NO. 14028.0290  
SERIAL NO. 09/389,565  
PAGE 3 OF 3 (11/21/01)

I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Tina Williams McKeon  
REG. NO. 43,791

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under §1.34(a)

Nov. 21, 2001  
DATE

RECEIVED  
NOV 26 2001  
TECH CENTER 1600/2900

EXPRESS MAIL NO. EL491882961US

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Request for Continued Prosecution Application is being deposited with the United States Postal Service as Express Mail Invoice No. EL491882961US in an envelope addressed to: Box CPA, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 on the date shown below.

Erick Calderon

11/21/01  
Date